

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Petition of Time Warner Cable for Preemption)	WC Docket No. 06-54
Pursuant to Section 253 of the Communications)	
Act, as Amended.)	

**OPPOSITION TO SOUTH CAROLINA COALITION'S
MOTION FOR EXTENSION OF TIME**

Time Warner Cable respectfully opposes the motion of the South Carolina Coalition for a 30-day extension of time for filing comments and reply comments in response to the Petition in the above-captioned docket. Many of the rural telephone companies that make up the South Carolina Coalition, as well as their counsel, are intimately familiar with the facts and legal issues presented in Time Warner Cable's Petition. Indeed, it was such carriers' anticompetitive actions in South Carolina that compelled Time Warner Cable to turn to the Commission for relief, and their active participation before the South Carolina PSC refutes their claim that a lengthy extension is necessary. While Time Warner Cable is willing to accommodate a two-week extension of time to file comments and reply comments,¹ a 30-day delay — which would create a total comment period of 51 days — is clearly excessive under the circumstances. The

¹ See COMPTTEL Motion for Extension of Time, WC Docket No. 06-54 (Mar. 15, 2006) (noting that "although TWC continues to urge the Commission to act expeditiously on its Petition, it does not object to a 14 day extension of the comment and reply comment periods").

unlawful action of the South Carolina PSC is causing significant competitive harm to Time Warner Cable and to consumers in certain rural areas of South Carolina, making corrective action by the Commission a matter of great urgency.

As the South Carolina Coalition concedes, “extensions of time are not routinely granted.”² The presumption against an extension should be particularly strong here, where Time Warner Cable has sought expedited treatment in light of the severe anticompetitive effects of the South Carolina PSC’s refusal to grant a CPCN authorizing Time Warner Cable to provide service in certain rural areas of the state.³ The Commission’s decision to establish a 21-day comment cycle was most appropriate under the circumstances, but Time Warner Cable consented to the brief delay requested by COMPTTEL in the interest of permitting parties to develop the record. A lengthier delay would be unwarranted in light of the continuing harm to Time Warner Cable and to consumers in rural South Carolina. Indeed, in the *Western Wireless* case cited by the South Carolina Coalition, the state PUC requested (and the Commission granted) only a 15-day extension,⁴ which is approximately what Time Warner Cable has consented to in this matter.

While the South Carolina Coalition characterizes the issue in dispute as “very complex,”⁵ it is in fact straightforward: The South Carolina PSC’s refusal to issue a CPCN squarely violates Section 253 and Commission precedent. In any event, the active

² South Carolina Coalition Motion at 3; *see* 47 C.F.R. § 1.46(a).

³ Petition at 2 n.4 (citing *Suggested Guidelines for Petitions for Ruling Under Section 253 of the Communications Act*, Public Notice, 13 FCC Rcd 22970, 22973-74 (1998)).

⁴ *Western Wireless Corporation Petition for Preemption of an Order of the South Dakota Public Utilities Commission*, Public Notice, 14 FCC Rcd 13175 (1999).

⁵ South Carolina Coalition Motion at 2.

participation of several of the Coalition's members and their counsel in proceedings before the South Carolina PSC over nearly two years defeats any claim of hardship. The issues have been fully briefed before the state commission and the Coalition should not require more than 35 days to present its views to the FCC.

For the foregoing reasons, Time Warner Cable opposes the South Carolina Coalition's Motion for Extension of Time to the extent that it seeks more than a two-week delay of the comment and reply comment periods.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing Opposition to South Carolina Coalition's Motion for Extension of Time was served this 21st day of March, 2006, by e-mailing or mailing true and correct copies thereof to the following persons (service by e-mail where marked by an asterisk):

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